

INTERNAL (for AI members only)

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Amnesty International
International Secretariat
10 Southampton Street
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England

TO: National Sections
Chile Coordination Groups
Chile Adoption Groups

ORIGINAL

FROM: Americas Research Department

12th August 1981

CHILE GROUP LEVEL SPECIAL ACTION: CIRCULAR NO. 7

POLITICAL KILLINGS INVOLVING MEMBERS OF THE SECURITY FORCES

SUMMARY

This is the final background circular to be sent out in connection with the Group Level Special Action to take place in September 1981, as described in AMR 22/44/81 (Circular 1).

DISTRIBUTION

This circular is being sent to all National Sections, Chile coordination groups and adoption groups with Chilean prisoners.

AI CONCERN

Over the past two years, several people have died while in the custody of the Chilean security forces. There is strong evidence to suggest that some died as a result of torture while others were deliberately killed in other ways. AI is concerned that in none of the cases has a thorough investigation been carried out by the judiciary.

RECOMMENDED ACTIONS

1. The main purpose of this action is to show that there is international concern about the deaths mentioned in this circular and that there is a need for thorough investigations, both into the circumstances of the deaths and into allegations of systematic violations of human rights by the security forces. (See also AMR 22/46/81: Torture, and AMR 22/49/81: Disappearances.)
2. National Sections/Coordination groups should translate this document and with the help of adoption groups distribute the information as widely as possible.

3. Letters should be written:

- requesting that a public and independent enquiry be held into the deaths of Oscar Salazar Jahnsen, Ruben Orta Jopia, Juan Ramón Olivares Pérez, Alejandro Sepúlveda Malbrán, Hugo Riveros Gómez, Oscar Polanco Valenzuela and Charles Ramírez Caldera;
- expressing concern about the lack of progress in the cases of Jaime Ossa Galdames, Federico Alvarez Santibáñez, José Eduardo Jara Aravena, Santiago Rubilar Salazar and Leandro Arratia Pérez;
- expressing concern about the widespread allegations of misconduct by the security forces, and specifically the CNI, which has resulted in the torture, death and "disappearance" of many people;
- requesting that a public and independent enquiry be held into the functioning and conduct of the CNI.

All letters should be politely and carefully worded. Some may be sent in the name of AI and others in a private capacity.

4. The letters should be sent to:

Dr. Israel Bórquez,
Presidente de la Corte Suprema,
Plaza Montt Varas,
Santiago, Chile

Dr. Lionel Beraud,
Presidente de la Corte de
Apelaciones,
Plaza Montt Varas,
Santiago, Chile

Copies of the letters should be sent to:

Sr. Sergio Fernández Fernández,
Ministro del Interior,
Ministerio del Interior,
Palacio La Moneda,
Santiago, Chile

Srta. Mónica Madariaga Gutiérrez,
Ministro de la Justicia,
Ministerio de la Justicia,
Agustinas 1401-1419,
Santiago, Chile

Sr. Presidente,
Colegio de Abogados, (Chilean Bar Association)
Ahumada 341, 2º piso,
Santiago, Chile

Copies should also be sent to human rights groups, newspapers and magazines in Chile. Addresses can be found in the address lists of government and other authorities: AMR 22/05/81 and AMR 22/26/81.

Copies should also be sent to Chilean diplomatic representatives to your country.

EXTERNAL (for general distribution)

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AUGUST 1981

Amnesty International
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CHILE

POLITICAL KILLINGS INVOLVING MEMBERS OF THE SECURITY FORCES

Since the coup d'état in 1973, the government of General Pinochet has used a number of methods to clamp down on and dismantle the opposition. During the first few months following the coup, thousands of people were reportedly summarily executed; between 1973 and 1977 more than 1,500 people - mainly political activists, trade unionists and peasants - "disappeared" after being arrested by the security forces of the army, navy, air force and carabineros (uniformed police), all coordinated by the Dirección de Inteligencia Nacional (DINA), National Intelligence Directorate, responsible directly to General Pinochet; and several thousand others were banished abroad or emigrated for fear of persecution or "disappearance".

The physical elimination of members or alleged members of the opposition appeared to end in October 1977 when the last case of "disappearance" was recorded. The DINA had been dissolved in August of that year but was immediately replaced by the Central Nacional de Informaciones (CNI), National Information Central, responsible to the Supreme Government through the Minister of the Interior. At the same time, the activities of the security forces of the army, navy and carabineros noticeably diminished.

Nevertheless, since 1977, several people have died while in the custody of the CNI in such circumstances that there are reasonable grounds to believe that those concerned - alleged members of banned political parties - have died as a result of torture or have been deliberately killed by other methods. In some cases, official investigations have been initiated but as soon as the CNI or other security forces have been implicated, the investigation has been passed from the civilian courts to the military courts. The latter have consistently failed to bring those responsible to justice.

Amnesty International has selected several cases of political killings involving members of the security forces that have occurred in Chile since 1975. It believes that thorough public and independent enquiries should be carried out into the involvement of the security forces in these deaths, given that in all cases there are grounds to either doubt the official explanation of the death or question the thoroughness of any official investigation that has taken place. Amnesty International is concerned that such killings may replace "disappearances" as a method of eliminating political opponents in Chile.

The information given in this document has been reported to Amnesty International from various sources. Although Amnesty International has not been able to check all of the details in each case, it is consistent with other information received on human rights violations in Chile.

GLOSSARY

- Carabineros - Uniformed police
- Investigaciones - Plainclothes police/detectives
- SICAR - Servicio de Inteligencia de Carabineros
Intelligence Service of the Uniformed Police
- SIDE - Servicio de Inteligencia del Ejército
Army Intelligence Service
- SIFA - Servicio de Inteligencia de la Fuerza Aérea
Air Force Intelligence Service
- SIM - Servicio de Inteligencia de la Marina
Navy Intelligence Service
- DINA - Dirección de Inteligencia Nacional
National Intelligence Directorate
(DINA coordinated the four intelligence services mentioned above until August 1977 when it was dissolved; it was directly responsible to the government junta.)
- CNI - Central Nacional de Informaciones
National Information Central
(The CNI replaced DINA in August 1977; it is responsible to the Supreme Government through the Minister of the Interior and may still coordinate joint work with other intelligence services if ordered to do so by the Supreme Government.)

(N.B. Amnesty International is aware that some Chilean opposition groups carry out violence which sometimes results in the death of members of the security forces. However, under international agreements which Chile has accepted, this cannot justify a government derogating from its obligation to protect basic human rights, including the right to life and to protection from torture or inhuman or degrading treatment.)

Jaime Ignacio OSSA Galdames

At 11 a.m. on 20 October 1975, five armed intelligence agents, all in civilian clothes, burst into the home of 32-year-old university lecturer Jaime Ignacio OSSA Galdames without a warrant. As Ossa was not there, they decided to wait for him. When he returned at midday, they beat up both him and another man called Gustavo. At 3 p.m., both men were taken away, tied up and covered in blankets. The armed men had spent the intervening three hours ransacking the house and took away with them money, a typewriter and a large number of books.

Ossa's parents, who also lived in the house, were warned not to go out or talk to anyone. However, next day they presented a petition of habeas corpus to the courts on behalf of their son. It was rejected but on 27 October the Ministry of the Interior informed the court that Ossa was being held in Cuatro Alamos prison camp. On 4 November the Supreme Court confirmed the decision of the lower court to reject the petition of habeas corpus.

On 18 November Ossa's sister filed a lawsuit with the 4th Criminal Court of San Miguel for illegal arrest and incommunicado detention. On 2 December she was told by the magistrate that her brother was no longer in Cuatro Alamos but was being held by the Secretario Ejecutivo Nacional de Detenidos (SENDET), a body responsible for the holding of detainees, but he did not specify where. Mrs. Ossa therefore requested the court to ask the director of Cuatro Alamos where her brother had been taken and when she could visit him. She also asked the court to make enquiries with the Dirección de Inteligencia Nacional (DINA), as the Chilean secret police were then known, and the Ministry of the Interior. The magistrate ruled that there were no grounds for such a request.

On 4 December the family presented a second petition of habeas corpus. Mrs. Ossa explained that when she first went to SENDET, she was told that her brother was being held in Cuatro Alamos but that later their answers became vague: she was simply told that he was being held in incommunicado detention but not where. On 1 December, she had been told that SENDET had no information about her brother and that everything she had been told previously was null and void, according to orders from the Ministry of the Interior. When she asked to see the paper where it had been noted that her brother was in Cuatro Alamos, she was shown a blank page. In spite of this, on 23 December the Ministry of the Interior again informed the court that Ossa was in Cuatro Alamos.

In the meantime, however, Mrs. Ossa had discovered, on 12 December, that her brother had died. On that day she visited the General Cemetery where it was recorded in the Civil Register that Ossa had died five days after his detention. Dr. Flavio Larenas from the Instituto Médico Legal, Institute of Forensic Medicine, later told the court that Ossa's body had been kept in the refrigerator in the Institute between 25 October and 11 December "waiting to be claimed by relatives".

While the Minister of the Interior repeatedly informed the Santiago Appeals Court, up to and including 23 December, that Ossa was in Cuatro Alamos, the Under-Secretary of the Interior had already told the 4th Criminal Court of San Miguel something very different on 3 December. He admitted that "this person was arrested" and that "on 25 October last he was taken to Avenida España /to a house where documents belonging to the Movimiento de Izquierda Revolucionario (MIR), Revolutionary Movement of the Left, had allegedly been found" and on arriving at the said place he threw himself under a vehicle that was driving past, was hit by the front wheels and died instantly." The then head of the DINA, Colonel Manuel Contreras Sepúlveda, sent a more detailed report to the same effect to the Ministry of the Interior.

In response to the second petition for habeas corpus, the Supreme Court ruled that "all the people who participated in the incident referred to" (the accident in Avenida España) "should be questioned about the facts." This task was passed to the 4th Criminal Court of San Miguel which had been investigating the complaint of illegal arrest and incommunicado detention, which was then changed to homicide.

Despite the fact that this measure was ordered by the highest court in the country and despite numerous attempts over the last six years to make sure it was carried out, it has never been implemented. The DINA consistently refused to hand over the names of its personnel, and as the identity of the people present at the accident is crucial evidence, this prevented further pursuit of the investigation. Furthermore, no proceedings were ever instituted by the authorities either in the civilian or military courts. In fact, the police station in charge of the area where the "accident" allegedly occurred denies all knowledge of it. In addition, the document authorizing the handing over of Ossa's body to the Instituto Médico Legal has been proved to be false - it was signed in the name of a non-existent person.

Given such difficulties, the 4th Criminal Court of San Miguel had no option but to declare itself incompetent and pass the case on to the military courts.

On 26 May 1980 the military prosecutor closed the case "because it is impossible to advance in the investigation" and requested the judge to temporarily stay the proceedings because there was "not enough evidence to accuse specific individuals."

The case was then taken to the Martial Court, made up of two judges from the Santiago Appeals Court and one representative each of the Army, Air Force and Police. The two civilian judges seemed to agree that there was a lot left to be clarified. However, the military and police representatives said that the 1978 Amnesty Law should be applied. This law annulled all those sentenced by military tribunals under the state of siege for certain crimes committed between 1973 and 1978 and has been applied to members of the armed forces and police found to be involved in "disappearances". The civilian judges challenged this proposal on the basis that it was impossible to adopt such a measure without thoroughly completing the investigation in the lawful way. In other words, that if it was not known precisely who committed the crime, then they could not be annulled. However, as the members of the armed forces and

police were in the majority, the final decision of the court was that the case should be definitively closed.

On 20 November 1980 a complaint was presented by Ossa's family to the Supreme Court, which had previously taken positive action in the case. However, this time "solely bearing in mind the provision of decree law 2191 of 1978" (the Amnesty Law) and "as no fault or abuse exists", the Supreme Court rejected the complaint. Furthermore, it ordered the complainants to pay the rather high costs of the proceedings within five days.

Federico Renato ALVAREZ Santibáñez

Federico Renato ALVAREZ Santibáñez, a 32-year-old chemistry teacher, was detained by carabineros on 15 August 1979 and died in a Santiago hospital on 21 August 1979, allegedly as a result of torture. The following are published extracts from the report of special investigating judge Alberto Chaigneau who was asked to investigate the case:

"Federico Renato Alvarez Santibáñez was detained, together with Raúl Ramón LOPEZ Peralta, at 5.30 on 15 August by a functionary of the 9a Comisaría de Carabineros (Ninth Police Station) on the corner of Manuel Rodríguez with Compañía (streets) after they had tried to escape, having been caught at the intersection of Manuel Rodríguez with Balmaceda (streets) distributing MIR pamphlets and, according to their own confession, having placed a bomb under a carabineros' bus. At the time of his detention, he was wounded with a contuse wound to the middle parietal and another to the middle occipital and a right lumbar contusion, lesions of a light nature, according to the report of the emergency service of the J.J. Aguirre Hospital, where he was taken at 6.30.

"He remained detained for infraction of the Law of Internal State Security (Ley de Seguridad Interior del Estado) in the 9a Comisaría de Carabineros until 16.30, when, in compliance with the Decreto Exento No. 2449 (decree) of that date, from the Ministry of the Interior, he was handed over to members of the Central Nacional de Informaciones (CNI), who had been in the said police station since 10.00.

"He was taken to the CNI unit at Borgoño 1470 (street), and received there with the same lesions as described above; he was interrogated by a team of four functionaries and remained held until 13.30 on 20 August; after being examined on his departure, it was recorded that he was in a good state of health; he was then put at the disposition of the Santiago First Military Court.

"At 19.30, after interrogation, this Tribunal ordered his transfer as a detainee, and incommunicado, to the Santiago Penitentiary with the express instruction that he be there interned in the infirmary for adequate medical attention because of his bad condition.

"He was received at 19.45 at this infirmary and, due to a deterioration in his physical condition, the duty doctor ordered him to be taken to the central emergency hospital (Posta Central) at 23.40; after being admitted there at 0.40 on 21 August and hospitalized in the Intensive Care Unit, because of his grave condition, he died at 6.50. The diagnosis was complicated contusion of the thorax, bilateral pulmonary contusion and adult respiratory distress...

"The report (of the post mortem carried out by the Forensic Institute) concludes, after finding other anomalies in the lungs, that the cause of death was a complex fracture of the skull and that the complications were aspiration of blood (sangre no reciente), final incipient bilateral broncho-pneumonia and final aspiration of vomit.

"An amplification of the autopsy report revealed:

- the fracture of the skull was produced by a direct blow; 'there is no evidence of self-wounding, it rather appears to be caused by third parties';
- to the complications described in the autopsy report is added dehydration and very high uraemia - indicators that he was a carrier of uraemia syndrome with uraemic encephalopathy;
- all these conditions, together with the fracture of the skull, led to death."

The investigating judge concluded that "the facts investigated would constitute the crime of homicide and there is no alternative but to hold the officer of carabineros who arrested him and the officials of the Central Nacional de Informaciones who interrogated him responsible as accomplices, and, as accessory, the physician who issued a certificate of good health when Alvarez was taken from the said CNI institution." According to Chilean law, since the judge concluded that the security forces and police had been involved, he was required to pass the case to the Santiago Second Military Court.

However, despite appeals to higher courts, no action has been taken against those earlier implicated by the investigating judge. The Supreme Court ruled by 3 votes to 2 on 8 August 1980 that "there was indeed needless recourse to violence; on the other hand, there seems to be no valid grounds for thinking that particular persons committed criminal acts or rendered themselves accessories thereto by participating in them or covering up the facts."

José Eduardo JARA Aravena

José Eduardo JARA Aravena was abducted along with others in July 1980 by a so-called "Commando for the Vengeance of Martyrs" (COVEMA). A few hours after his release he died as a result of the torture inflicted on him while in detention.

The Ministries of the Interior and Defence later said that "certain officers of the Intelligence Service, who had acted on the fringe of the law and in breach of the government's express instructions, apparently bore responsibility for these deeds", although the statement was not endorsed by the Director of the CNI. Several members of the intelligence staff were arrested.

An investigating judge was appointed to investigate the other kidnappings alleged to have been carried out by COVEMA around the same time. As a result, two officers were formally charged with inflicting ill-treatment on Nancy Ascueta. The same judge was asked to investigate Jara's death. Following an identification parade, the two officers were released as none of the abducted persons, who had all been held in the same place, recognized them as being responsible for their kidnapping or torture. The judge continued to question a number of intelligence officers. He also issued an order to find a wellknown ex-DINA agent, alleged to be responsible for numerous "disappearances", but the person did not come forward.

Jara's mother lodged a complaint against six officers and leading officials of the Intelligence Service to whom she believes her son's death should be attributed, in October 1980.

As far as Amnesty International is aware, no further progress has been made with the official investigation or the complaint, as of the time of writing.

Oscar SALAZAR Jahnsen

On 14 March 1980 Oscar SALAZAR Jahnsen presented an application for amparo (protection) to the courts because he was being followed by unknown civilians. The Ministry of the Interior informed the court on 18 March that the CNI had no information on Salazar and that he was not wanted for any reason, either by the CNI, Investigaciones or Carabineros. The court therefore rejected the application for amparo but requested the competent criminal court to make the appropriate enquiries to find out whether an offence had been committed.

On 29 April 1980 it was reported in the press that Salazar had been killed by security forces in an exchange of gunfire. A CNI communiqué stated that "It is believed, although this has not been confirmed, that this person could be one of the extremists involved in this morning's incident" (the fatal shooting of a policeman - more than 500 arrests were reportedly made that day and no-one was ever found to be responsible for the killing).

According to reports received by Amnesty International, Salazar left his home at 11 a.m. on 28 April, having agreed with his wife to pick up their children from school at 6 p.m. He did not do this. At 8 p.m., eight men went to their house, ransacked it and told his wife that her husband had died at 6 p.m. Next day his wife identified his body, which had four bullet holes in it. Press reports stated that

the security forces had been following Salazar for several days and alleged that when they eventually approached him, he took out a gun.

Amnesty International believes that, given that Salazar was aware that he was being followed and had complained to the courts about it, a thorough independent investigation should be carried out into his death.

Santiago RUBILAR Salazar

The Chilean press reported widely on 30 July 1980 that Santiago RUBILAR Salazar had been shot in an armed confrontation with carabineros and had been taken to the Barros Luco Hospital where he was held in isolation. On 2 August his death was announced, allegedly as the result of an unsuccessful operation.

According to the security services, Rubilar took part in some bank raids on 28 July. According to the same version, in order to escape the police, he took as hostages a woman and her son who were travelling in a car, and was subsequently apprehended by carabineros who shot at him.

However, Rubilar's relatives presented a recurso de amparo (petition of habeas corpus) to the Santiago Appeals Court in which they claim that he was already in detention as from 26 July (two days before the bank raids) as a result of his arrest by armed civilians, and that his wife and brother were also arrested that same day. They also allege that another person, whose name was in Rubilar's address book, was also arrested at that time.

On 1 September 1980 the Appeals Court asked the Ministry of the Interior to inform it about what had happened to Rubilar. No further information is available to Amnesty International at present.

Juan Ramón OLIVARES Pérez and Ruben ORTA Jopia

According to a CNI communiqué dated 7 November 1980, Juan Ramón OLIVARES Pérez and Ruben ORTA Jopia died "today Friday 7 November 1980 at 1.20 a.m." The report went on to say that "a little after 1 a.m., in the aforementioned place (the junction of Avenida Domingo Santa María and Vivaceta Bridge), a CNI patrol car intercepted a Citron car carrying two people, who fired a burst from a submachine gun at the security agents as they approached the vehicle. The security agents were forced to return the gunfire and following an intense exchange of shots, both extremists were killed. None of the security agents were hurt but the car they were using had eleven bullet holes in it."

Several hours before the publication of the communiqué, the relatives of Ruben Orta Jopia had presented a recurso de amparo on his behalf to the Santiago Appeals Court as they feared he had been arrested the previous night as he was going from his parents' home to the house

of some other relatives. He had not been seen since 9.30 p.m. on 6 November. When Orta's death was announced, they withdrew the recurso de amparo and instead presented a petition for an investigating judge to be appointed to investigate the circumstances of the death.

Some of the evidence which puts into doubt the official version of the deaths is as follows:

- Orta had been followed by unknown persons in civilian clothes, believed to be security agents, since 25 August 1980. Other members of his family, including his wife, had also been followed. He and his wife had previously been living in Valdivia but, because of the constant harassment to which they had been subjected, they had moved to Santiago in October to be with their parents, but there the harassment increased. On 6 November, the family claim that eight people were watching the house and, according to Orta's father, both Orta and his wife recognized them as being the same people who had been watching them before.
- About an hour after the alleged "confrontation" took place, the home of Orta's parents was searched by five armed civilians who gave no explanation and did not refer to the fact that Orta was dead.
- The "confrontation" took place very near to the CNI barracks in 1470 Brogno Street, which is known to be used as a secret detention centre.
- Orta's father went to identify his son's body in the Instituto Médico Legal on 8 November. In a complaint presented to the 2nd Military Court against the CNI for homicide, he stated that his son's body showed signs of having been beaten (flagelado), - his upper teeth were missing, there were bruises on his forehead, and a lump of flesh was missing from his chest - the bullet holes were in other parts of his body.

Orta was 33 years old and a photographer by profession. He was married with a 9-month-old baby daughter. He had left Chile in 1973 and returned in 1978.

Juan Ramón Olivares Pérez had been imprisoned in Chile from December 1974 to March 1976 when his sentence was commuted to exile. He went to England where his wife and six children are still living. He had returned to Chile in August 1980.

Olivares was a trade unionist and had been a leader of the Central Unica de Trabajadores (the main trade union confederation before the coup, now banned). While in England, he had helped to set up a support committee for Chilean metal workers. His brother, Mario Samuel Olivares Pérez, also a trade union leader, "disappeared" in October 1973, and their father, Victor Olivares Stevens, a retired docker, is reported to have died in mysterious circumstances in March 1974.

The last time Olivares was seen alive was at 3 p.m. on 6 November. He was doing some electrical work in a house in Santiago and went out to buy some more materials in the centre of the city. He is reported to have promised to return very soon because the work he was doing was not finished and it would have been dangerous to leave it in that state for long. He had also left some of his outer clothing there as it was a very hot day. He did not return.

As far as Amnesty International is aware, no investigating judge has so far been appointed to investigate these two deaths.

Alejandro Rodrigo SEPULVEDA Malbrán

On 24 December 1980, a man at first identified as Mario Estay Garrido was shot dead by carabineros in Santiago. He was reported by the police to be running away from the scene of a bomb explosion which took place on a bus. When he was overtaken by his pursuers, he allegedly tried to get free and snatch the weapon they were aiming at him, as a result of which one of the carabineros had been forced to fire.

The dead man turned out to be Alejandro Rodrigo SEPULVEDA Malbrán, aged 25. On 29 December, relatives filed a precautionary application for amparo preventivo (preventive protection) for 12 members of the family, claiming that they were constantly being harassed and that some of them had been detained, prior to Alejandro's death for questioning as to his whereabouts. In a letter sent in January 1981 to the United Nations Special Rapporteur on the Situation of Human Rights in Chile, the family claimed that since 1973 several of its members have been arrested and in some cases tortured. One of Alejandro's brothers, Alvaro, had returned to Chile on 30 September 1979 with his papers in order, but a decree issued in January 1980 prohibited him from entering the country. Pursuant to that decree, he was arrested in November 1980, accused of having entered Chile in secret. He was released four days later, reportedly after being tortured.

Another of Alejandro's brothers, Juan Manuel, member of the executive committee of the Coordinadora Nacional Sindical (CNS), National Trade Union Coordinator - an unofficial trade union body until recently tolerated by the government, had been arrested on two occasions in recent years and he too is reported to have been beaten while in detention. Both times he was sentenced to periods of internal exile (relegación). In 1980 he was sentenced to 541 days' imprisonment for "illegally representing workers" but the sentence was later suspended.

Since the letter was sent to the Special Rapporteur, Juan Manuel has faced further harassment by the authorities. In July 1981 ten of the eleven members of the executive committee of the CNS were arrested, again for "illegally representing workers".

Juan Manuel, the eleventh member, was travelling in Europe at the time. On 12 August the government issued a statement saying that he would not be allowed to return to Chile because he had used his trip to "denigrate our country".

With regard to the death of Alejandro, the family were unable to offer any concrete evidence to contradict the police version of the incident. However, they have complained that they feel his death to be yet another episode in the campaign of harassment against them and they have called for a thorough investigation into his death.

Leandro Abraham ARRATIA Pérez

On 19 January 1981, the CNI reported that a "confrontation" had taken place between the security forces and a so-called "terrorist" at 1.45 a.m. on Sunday, 18 January, during a search of an empty building at 651 Ricardo Cruz Street in Santiago. As a result, ex-leader of the Juventudes Comunistas (Communist Youth), Leandro ARRATIA Pérez, had died.

However, that same day, before learning of the death of her son, Arratia's mother had presented a recurso de amparo on his behalf to the Santiago Appeals Court. On 14 January, CNI agents had gone to her home and searched it in a violent fashion, without presenting a warrant. On that occasion, Arratia was present and was questioned by the agents. They left after an hour without arresting him but warned him to remain in "visible places in case they needed him".

On 16 January, Arratia left his home to go to the centre of Santiago but did not return. After looking for him in police stations and hospitals, his family presented the recurso de amparo. Following the news of his death, it was withdrawn and instead a request was made for an investigating judge to be appointed to investigate the circumstances of the death. The request was signed by 59 lawyers. Arratia's body reportedly showed signs of torture.

It was later reported that Arratia had sent a letter to a friend of his saying that the CNI were trying to get him to supply them with photographs and information about his former political associates. His mother testified in front of a lawyer that the handwriting used in the letter was that of her son.

On the day that the family removed Arratia's body from the mortuary, they received a note signed by the "Roger Vergara Comando" (Vergara was a CNI agent shot dead in July 1980). The note said: "To the Arratia family: the death of a communist is the death of a mangy dog. They will all die like that. No more marxists in Chile."

Arratia had gone to East Germany in 1977 and returned to Chile in October 1980. Both his departure and return were legal. The investigation into the cause of his death has been put in the hands of Captain Emilio Pomar of the Third Military Prosecutor's Office in Santiago.

Hugo RIVEROS Gomez and Oscar POLANCO Valenzuela

Hugo RIVEROS Gómez, a 28-year-old artist, was first arrested in his home in Santiago by armed men in civilian clothes on 20 October 1980. His wife witnessed the arrest and was apparently also beaten by the armed men. Riveros was held in incommunicado detention in an unknown place until 5 November. During this period he was allegedly tortured. On 5 November he was put at the disposition of the Pedro Aguirre Appeals Court and charged under decree law 77 with belonging to the MIR, which has been banned since 1973. He was then taken to the Santiago Penitentiary. On 30 January 1981, the political prisoners held in Calle 5 of the Penitentiary were taken out without warning and dispersed to several different prisons in Santiago and the provinces. Riveros was taken to Buin. In March 1981 he was released on bail. At the end of June, the prosecution recommended that he be sentenced to 541 days' internal exile (relegación).

On 8 July 1981 Hugo Riveros Gomez was found dead in Cajón del Maipo on the outskirts of Santiago. His hands were tied behind his back and on his chest was a piece of cardboard with an "R" written in his own blood on it. ("R" is the sign normally used by the Resistencia, Resistance, a general name used by leftwing opponents of the government but usually associated with the MIR.) He also had three knife wounds in his stomach which appeared to be the cause of death. The body was found by an electricity worker who was inspecting a path alongside the Colorado River. There were signs that a vehicle had recently been along the path.

The body was identified in the Instituto Médico Legal by Riveros' wife, Miriam Isabel Silva Pérez, who on 7 July had presented a recurso de amparo to the Santiago Appeals Court stating that her husband had been kidnapped from his home on 7 July at about 3 p.m. Riveros had gone out in the morning to visit his lawyer in the city centre. While he was out, three men went to his home. They asked for him, saying that his presence was required by the court. On his return at about 2.30 p.m., the three men arrived in a dark blue car. They dragged him out of the house blindfolded, put him in the car and drove off. His wife said that he had been watched by unknown civilians using a white Daihatsu car or sometimes a dark blue car, for several days prior to his arrest. She requested that an investigating judge be appointed to investigate the death of her husband.

At 9.35 p.m. on the same day that Riveros died, Oscar Fernando POLANCO Valenzuela, a 40-year-old teacher currently working as a manager at a steel works (maestranza), was machine-gunned to death in a Santiago suburb. Polanco was at his place of work when he received an anonymous telephone call asking him to go out into the street for a few minutes. He went out and not far from the factory, he was shot eight times from a passing white car. The shooting was witnessed by a young girl. The car then sped off towards the city centre.

Polanco had been active in the Socialist Party until the coup in 1973. Some press reports indicate that a warrant for his arrest had been issued in connection with his alleged membership of the MIR. One report states that neighbours in the area where he worked had seen him being watched and that on several occasions, a white Daihatsu (the same kind of car seen outside Riveros' house) had been seen parked outside the factory. On the evening of his death, he was due to meet three lawyer friends whom he had told that "they have been following me for days".

Anonymous telephone calls made to several newspapers attributed both the death of Riveros and that of Polanco to a so-called Comando de Vengadores de Humberto Tapia Barraza, Commander of Avengers of Humberto Tapia Barraza. Tapia was a member of the CNI who had been shot dead in the street on the previous Monday, 6 July, allegedly by a leftwing group. Other reports refer to a "Comando Gama". In 1980, following the killing of another member of the CNI, a similar sort of commando group called COVEMA appeared and kidnapped several people, including José Eduardo JARA Aravena (see p.6 above), who died as a result of their treatment of him. COVEMA later turned out to be members of the security forces, who, according to the authorities, were acting without official authorization. Despite a series of investigations, no-one has ever been charged.

One of the explanations put forward by unofficial sources for the killing of Riveros is that while in prison he used his talent as an artist to draw pictures of his "kidnappers and interrogators" and of his experiences while in detention. It is believed that one of the persons whose portrait he drew was Humberto Tapia Barraza (see above). Riveros was well-known as an artist and had had his work exhibited in France and Germany.

A political prisoner at present held in the Cárcel Pública (Public Prison) in Santiago on charges of belonging to the MIR and infringing the Law of Internal State Security, Eduardo Andrés Arancibia Ortiz, is reported to have also received a death threat, at about the same time Riveros and Polanco were killed, saying: "Arancibia, for treachery, Gama condemns you to death." At the end of the note was a red "R".

Amnesty International believes that there is overwhelming evidence to suggest that members of the security forces were involved in the deaths of Riveros and Polanco and that the symbol of the "Resistance" was used simply to mislead investigations. Amnesty International knows of no incident in the past where "R" has treated its own sympathizers in such a way. The CNI has categorically denied that those responsible for the threats and killings belong to that service and says that it is making a thorough investigation into both deaths. A spokesperson for Investigaciones is reported to have said that "it makes one suppose that a death squad like the one in Brazil has started to act."

CONCLUSION

In a supplementary report to the United Nations General Assembly by the Economic and Social Council (E/CN.4/.428 of 28 January 1981), the Special Rapporteur on the Situation of Human Rights in Chile concluded the chapter on "Right to Life", which includes five of the cases described above, as follows:

"The deaths mentioned in this report and in earlier reports are the result of actions by members of the security agencies and the armed forces. The perpetrators of these murders sometimes acted arbitrarily on their own initiative, for the simple reason that they were in possession of firearms and knew that they were assured of impunity. In such cases, there have been instances in which the guilty persons were faced with serious charges, but never in any cases where matters of a political nature were involved. Up to now, there is no known case in which the penalties established by law have been imposed on the perpetrators of crimes of this sort."

Amnesty International is concerned that over recent months there has been an increase in the number of deaths of members of political groups opposed to the government and that in most cases there is evidence of the involvement of members of the security forces in the killings. Although Amnesty International in no way condones the use of violence by the opposition, it believes that there is reasonable evidence to suggest that in many cases where people have died in so-called "armed confrontations", the person was unarmed and on some occasions had been detained prior to death. Amnesty International therefore believes that all such deaths should be subject to an independent enquiry to be carried out by civilian courts and lawyers, and that the bodies of all such victims should be examined by independent forensic experts.